CALIFORNIA BUILDING STANDARDS COMMISSION

2525 Natomas Park Drive, Suite 130 Sacramento, CA 95833 (916) 263-0916 FAX (916) 263-0959



November 1, 2010

Brian J. Crudo, Battalion Chief/Fire Marshal Fire Department, Fire Prevention Bureau City of Albany 1000 San Pablo Avenue Albany, CA 94706

Dear Mr. Crudo,

This is to acknowledge receipt of the City of Albany submittal pertaining to Ordinance No. 2010-06 with findings on September 20, 2010. As the law states, no local modification or change to the California Building Standards Code (Code) shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission (the Commission).

As a reminder, local modifications are specific to a particular edition of the Code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the Code is published. In addition, should you receive Fire Protection District ordinances for ratification, it is required to submit the ratified ordinances to the Department of Housing and Community Development [H&SC Section 13869.7(c)], attention State Housing Law Program Manager, rather than the Commission.

This letter attests only to the filing of these local modifications with the Commission, which is not authorized by law to determine the merit of the filing. If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

Jane G. Taylor Senior Architect

cc: Chron

Local Filings



City of Albany

1000 SAN PABLO AVE. • ALBANY, CALIF. 94706 • TELEPHONE (510) 528-5775 • FAX (510) 528-5774

FIRE DEPARTMENT
FIRE PREVENTION BUREAU

3 August 2010

California Building Standards Commission 2525 Natomas Park Drive, Suite 130 Sacramento, CA 95833-2936

Dear Madam or Sir,

Enclosed you will find "The Code of the City of Albany, also known as "Albany Municipal Code", Chapter XI, Fire Prevention", the update to the Fire Prevention Section and the City of Albany's "Finding of Fact".

Ordinance No. 2010-06, An Ordinance of the Albany City Council Amending Chapter XI, Fire Prevention of the Albany Municipal Code to include Regulations for Smoke Alarms and Smoke Detector (Subsection 11-4), was adopted by the Albany City Council on July 19, 2010.

The Finding of Fact includes our Climatic, Geographical and Topographical conditions to justify the necessity of adopting these local ordinances. There are two (2) maps, "Seismic Hazard Zones", 3 pages and "Geographical Map" (topographical/surfacial deposits), 2 pages, for referencing.

The Albany Fire Department's Fire Prevention Office has updated the "Fire Prevention Ordinance" to reference the 2007 CBC, Title 24, Part 2 and CFC, Title 24, Part 9, the 2006 IBC and IFC, and the National Fire Protection Association's 2006, NFPA 1, *Uniform Fire Code*.

If you have any questions, please call me at (510) 528-5775, or Fire Chief Marc McGinn at (510) 528-5773.

Thank you,

Brian J. Crudo

Battalion Chief/Fire Marshal Disaster Preparedness Officer

Operations Chief

cc: Marc McGinn, Fire Chief

Jeff Bond, Planning Manager

Dave Henderson, Chief Building Inspector

ORDINANCE NO. 2010-06

AN ORDINANCE OF THE ALBANY CITY COUNCIL AMENDING CHAPTER XI, FIRE PREVENTION OF THE ALBANY MUNICIPAL CODE TO INCLUDE REGULATIONS FOR SMOKE ALARMS AND SMOKE DETECTORS

WHEREAS, the City of Albany has adopted a Fire Prevention Regulations in the form of Chapter XI of the Albany Municipal Code; and

WHEREAS, smoke alarms and smoke detectors serve a vital role in preventing property damage, injury or death caused by structure fires;

WHEREAS, there are two types of smoke detection technologies commonly used in smoke detectors;

WHEREAS, "ionization" detectors uses a very small amount of radioactive material to detect invisible particles generated by flame;

WHEREAS, "photoelectric" detectors uses a light-source to detect the presence of smoke;

WHEREAS, the vast majority of smoke detectors installed in residences in Albany use the ionization technology;

WHEREAS, ionization detectors generate more nuisance alarms that result in occupants disabling smoke detectors;

WHEREAS, studies have concluded that ionization detectors respond slowly to smoldering fires that generate heavy smoke but initially little flame; and

WHEREAS, proposed regulations are necessary because of local climatic, geological or topographical conditions, including the fact that Albany is a high-density community with older structures;

WHEREAS, on July 6, 2010 the Albany City Council held a duly noticed public hearing on the draft ordinance to amend Chapter XI regarding Smoke Alarms and Smoke Detectors.

NOW, THEREFORE, THE ALBANY CITY COUNCIL DOES HEREBY ORDAIN AS FOLLOWS:

Section 1: Purpose

Chapter XI of the Albany Municipal Code is hereby amended to include a new Subsection 11-4 titled "Smoke Alarms and Smoke Detectors" to consist of the following text:

"Smoke alarms and smoke detectors serve a vital role in preventing property damage, injury or death caused by structure fires. The purpose of these regulations is to adopt regulations that require smoke alarms and smoke detectors that generate fewer nuisance alarms and react more quickly to smoldering fires that generate heavy smoke but initially little flame."

Section 2: Definitions

Section 3: Exemptions

Chapter XI of the Albany Municipal Code, Section 11-4.1 titled "Definitions" is hereby amended to include the following text:

- a. Smoke alarm a self-contained battery operated device that both detects the presence of smoke and produces an audible and/or visual alarm.
- b. Smoke detector a device connected to the building electrical system and other building alarms that is designed to detect the presence of smoke and produce an audible and/or visible alarm
- c. Ionization type smoke detector or alarm a device that uses a small amount of radioactive material to detect invisible particles generated by flame.
- d. Photoelectric-only type smoke detector or alarm a device that uses a light-source to detect the presence of smoke.
- e. Dual type smoke detector or alarm a device that uses both photoelectric and ionization methods.
- f. Required location Locations for smoke detectors or smoke alarms that are required by California Fire Code, the California Building Code, or other codes or standards adopted by the City of Albany.

Chapter XI of the Albany Municipal Code is hereby amended to include a new Subsection 11-4.2 titled "Exemptions" to consist of the following text:

The requirements of this section shall not apply to projects that have an active building permit application on or before the effective date of the ordinance.

Section 4: Smoke Alarm/Smoke Detector Requirement

Chapter XI of the Albany Municipal Code is hereby amended to include a new Subsection 11-4.3 titled "Smoke Alarm Smoke Detector Requirement" to consist of the following text:

- a. Any construction that is required to install an additional smoke alarm or smoke detector under the California Fire Code, the California Building Code, or other codes or standards adopted by the City of Albany, shall be required to upgrade all required devices in the building to photoelectric-only type devices in all required locations.
- b. Any renovation of existing habitable space that exceeds a threshold established by the City Council shall be required to upgrade all required smoke alarms or smoke detectors in the building to photoelectric-only type devices in all required locations.
- c. Prior to the sale of any real property, a property owner shall upgrade the smoke alarm/smoke detector system to photoelectric-only type devices.
- d. Prior to the issuance of a home occupation permit, a property owner shall upgrade the smoke alarm/smoke detector system to photoelectric-only type devices.
- e. Multi-family residential structures containing three housing units or more are required to maintain photoelectric-only smoke alarm/smoke detector system.
- f. Property owners are responsible for testing the effectiveness of existing smoke alarms or smoke detectors per manufacturer's instructions. Required smoke alarms or smoke detectors that are determined to be ineffective shall be replaced with photoelectric-only type smoke devices.
- g. All required smoke alarms and smoke detectors shall be replaced upon the expiration of the warranty period of the installed device. Replacement devices must be photoelectric-only type devices.
- h. Dual type smoke alarms or smoke detectors are prohibited in required locations.
- i. Installed devices must comply with requirements of UL 217, NFPA 72, and manufacturer instructions.
- j. Nothing in this ordinance shall prohibit or discourage the additional use of ionization or dual type alarms in additional locations.

1 2 3

3 4 5

 Section 5. Implementation Procedures

Chapter XI of the Albany Municipal Code is hereby amended to include a new Subsection 11-4.4 titled "Implementation Procedures" to consist of the following text:

The Fire Chief may establish policies and procedures for public education, review of permit applications, and performance of inspections associated with implementation of this section, including issuance of a certificate of compliance prior to the sale of any property certifying that the smoke alarm/smoke detector system has been upgraded to photoelectric-only type smoke devices.

Section 6. Hardship or Infeasibility Exemption.

Chapter XI of the Albany Municipal Code is hereby amended to include a new Subsection 11-4.5 titled "Hardship or Infeasibility Exemption" to consist of the following text:

- a. Exemption. If an Applicant for a non-exempt project believes that circumstances exist that make it a hardship or infeasible to meet the requirements of this Section, they may apply for an exemption or reduction in requirements as set forth below. In applying for an exemption, the burden is on the Applicant to show hardship or infeasibility.
- b. Application. If an Applicant for a non-exempt project believes such circumstances exist, the Applicant may apply to the Fire Chief for an exemption at the time of application submittal.
- c. Granting of Exemption: The granting of an Exemption shall be made by the Fire Chief. If an exemption is granted, the Applicant shall be required to comply with this Chapter in all other respects.
- d. Denial of Exemption. If the Fire chief determines that it is possible for the Applicant to fully meet the requirements of this Chapter, they shall so notify the Applicant in writing.

Section 7. Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance, and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 8: Publication and Effective Date.

This ordinance shall be posted at three public places within the City of Albany and shall become effective thirty days after the date of its posting.

Joanne Wite Mayor - V

ATTACHMENT 1

Findings Relating to Local Fire and Building Code Modification

The following sections depict specific local conditions that are justification for modification in the local fire and building codes. The local conditions that directly affect such modifications are climatic, geographic and topographical. These conditions are described below.

Local Conditions:

Local conditions will have a tremendous impact on the ability of existing codes to adequately prevent loss of life and property. In some cases, as in the City of Albany, there are existing factors that require special attention to accomplish more effective prevention of: 1) major fire loss, 2) major earthquake damage, 3) loss of life and property damage in general. In order to provide for these conditions it is necessary to modify and strengthen the existing State Fire and Building Standards Code.

The City of Albany has a population of approximately 17,000 with a relatively high urban density, located within a bounded area of about 1 square mile. Although a small geographic area, the City is exposed to a number of natural hazards, as described in the next sections.

1. CLIMATIC:

- A. Precipitation: Precipitation within the city varies as it does throughout the East Bay. Using the Alameda County numbers as a guide, the city receives an average of 20 inches per year. The majority of the rainfall occurs during the months of November through April. Albany has experienced both drought and flooding conditions over the years, and must prepare for both extremes.
- B. Relative Humidity: Humidity ranges from 60% during the day to 80% at night. During summer and early fall months, it may drop to 20% or lower.
- C. Temperature: Albany temperatures are moderated by the San Francisco Bay and fog conditions. Variation between day and night temperatures can be significant. Average lows are in the low 50's and average highs are in the high 60's. During some periods in the summer and early fall, temperatures can climb into the 90's.
- D. Wind: Prevailing winds are from the southwest, although winds are experienced from almost every direction at some point in the year. Average wind speeds are from 5 to 20 mph, although occasionally there may be gusts of up to 30 mph or greater. While the city experiences the cooling effects of the fog and the Bay, there are periods when the city experiences "Diablo" type winds. Diablo winds come from the northeast and are comparable to the "Santa Ana" winds of the LA Basin area of the State.
- E. Summary: These climatic conditions have a direct impact on the intensity, size, and

acceleration of fires in the community. Periods in which there is little rainfall, low humidity, and high winds create conditions that are conducive to conflagration-type fires, particularly when considerations are made for the high-density nature of housing, as well as the existence of some wildland interface, as described in the next section.

2. GEOGRAPHIC AND TOPOGRAPHIC:

A. Geographic Location: The City of Albany is the northern-most city of Alameda County. It is bounded by Berkeley on the south and east, El Cerrito and Richmond to the north. The Albany/El Cerrito/Richmond border is also the county line separating Alameda County and Contra Costa County. The runs the Hayward Fault is between one-quarter and one-half mile to the east of the city boundary. USGS scenarios have predicted the Northern segment of this fault system can produce earthquakes as large as magnitude 7.5, and currently this segment has the highest probability in the Bay Area of producing the next large earthquake. Albany periodically experiences small to moderate earthquakes, with epicenters all around the bay area.

- B. Topography: The city has a unique topographic feature known as "Albany Hill," which rises prominently along the East Bay Shoreline. A large section of the hill has been dedicated as an open space preserve with heavy vegetation. Other sections of the hill have high-density housing, including several high-rises on the northwestern face of the Hill. Other areas have narrow winding roads that make emergency response access difficult.
- C. Transportation Corridors and Emergency Access: Albany has Interstates 80 and 580 within its boundaries, along with 2 rail-lines and 2 large diameter underground fuel pipelines from the Chevron Refinery. San Pablo Avenue (SR 123) bisects the city running north/south, and the BART system also bisects the city, with a stop just across the Albany border to the north in El Cerrito. With expected damage from an earthquake, access to the city may be difficult, which will directly impact any assistance that is requested from the county or other emergency mutual aid agreements.

CONCLUSION:

The local climatic, geographical and topographical conditions described above must be taken into consideration when examining the adequacy of existing fire and building code standards. From the information provided above, it is clear there are conditions that will potentially create higher risks for property and life, in terms of fire prevention and suppression efforts, the frequency, spread, acceleration and intensity of fires involving either structures or open space. These conditions provide the necessary justification for changing or otherwise strengthening the fire and building codes as they relate to improving life safety and the reduction of property damage with regard to fire prevention.



City of Albany

1000 SAN PABLO AVENUE • ALBANY, CALIFORNIA 94706-2295

CITY ADMINISTRATOR

PH. (510) 528-5710 FAX (510) 528-5797

CITY ATTORNEY

PH. (510) 524-9205 FAX (510) 526-9190

CITY CLERK

PH. (510) 528-5720 FAX (510) 528-5797

CITY COUNCIL

PH. (510) 528-5720 FAX (510) 528-5797

COMMUNITY DEVELOPMENT & ENVIRONMENTAL RESOURCES

- Building
- EngineeringEnvironmental Resources
- Maintenance
- Planning

PH. (510) 528-5760 FAX (510) 524-9359

FINANCE & ADMINISTRATIVE SERVICES

CITY TREASURER PH. (510) 528-5730

FAX (510) 528-2743
FIRE & EMERGENCY MEDICAL

SERVICES PH. (510) 528-5771

PH. (510) 528-5771 FAX (510) 528-5774

PERSONNEL

PH. (510) 528-5714 FAX (510) 528-5797

POLICE

PH. (510) 525-7300 FAX (510) 525-1360

RECREATION & COMMUNITY SERVICES

1249 Marin Avenue PH. (510) 524-9283 FAX (510) 528-8914

- Friendship Club/ Childcare Program PH. (510) 524-0135
- Senior Center
 PH. (510) 524-9122
 FAX (510) 524-8940
- Teen Center
 PH. (510) 525-0576

STATE OF CALIFORNIA) COUNTY OF ALAMEDA) ss CITY OF ALBANY)

I, JACQUELINE L. BUCHOLZ, City Clerk of the City of Albany, California, do hereby certify that the whole number of members of the City Council of said City of Albany is five and that the foregoing is a true and correct copy of Ordinance No.2010-06 which was passed and adopted by the said City Council, approved and signed by the Mayor of said City, and attested by the City Clerk of said City, all at a regular meeting of the said Council on the ___19th__day of __July ___20__10___A.D., and that the same was so passed and adopted by the following votes and duly published or posted according to State law.

AYES: Council Members Atkinson, Lieber, Thomsen, Vice-Mayor Javandel

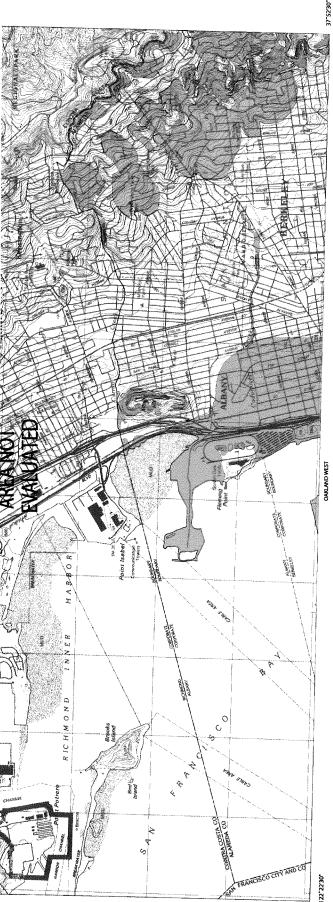
& Mayor Wile

NOES: None

ABSENT: None

In witness whereof, I have hereunto set my hand and affixed the official seal of the City of Albany, this __20thday of __July_______, 20 10 .

JACQUELINE L. BUCHOLZ, CMC



37-52'30"

Base Map prepared by U.S. Geological Survey, 1955. Zones of required investigation boundaries may reflect updated digital toggraphic data that can differ significantly from contours shown on the base map.

PURPOSE OF MAP

This map will assist clies and counties in fulfilling their responsibilities for protecting the public from the effects of earthquake triggered ground failure are quired by the Salamic Hazards Mapping Act (Public Resources Code Sections 2890-2899 6).

For information regarding the general approach and recommended methods for preparing this map, see DMG Special Publication 118, Recommended Criteria for Defineating Seismic Hazard Zones in Celifornia.

For Information regarding the exope and recommended methods to be used in condicting the required sits investigations, see DMG Special Publication 117, Guidelines for Evaluating and Mitigating Solarine Fazzante in Carlifornia.

For a general description of the Seismic Hazard Mapping Program, the Seismic Hazards Mapping Act and regulations, and nelated information, please trafer to the website at www.conservation.cs.gov/cgs/.

IMPORTANT - PLEASE NOTE

1) This map may not show all areas that have the potential for liquefaction, landsliding, to your destuding or other earthquate and geologic hazards. Also, a single earthquate capable of causing iquefaction or triggering landslide failure will not uniformly affect the entire area zoned.

2) Liquefaction zones may also contain areas suscaptible to the effects of earthquake-ristood lensifieles. This studion by placing widths at the rest the two de useful grandsited demissiops from notifial or tebris flow source areas, or adjacent to sleep stream barins.

3) This map does not show Adquist-Photo earthquake fault zones. If any, that may exist it is are. Rease are that the little strict following the dearthquake fault zones for officients and other actions that are required in the Adquist-Photo Earthquake Fault Engine Address and other actions that are required to the Adquist-Photo Earthquake Fault Engine Address to earthquake Fault Engine Address to available maps, see DMS Special Publication 42.

Landistic across on this may aver eleterined in part by adapting methods original developed by the U.S. Geobged Survey (USGS). Landistic hazara mass propared to the U.S.G. Spiritally use a openimental approaches to assess enthrudes-induced by the U.S.G. Spiritally use a openimental approaches to assess enthrudes-induced by the U.S.G. Spiritally use appointed by the U.S.G. Spiritally use appointed to the season of the U.S.G. Spiritally used to the U.S.G

5) U.S. Geological Survey base map elandards provide that 80 percent of cultural features be broadened within 40 freet (incorduit accounting) at the scele of this map. The identification is and beardon of ingestication and certification features are based to make an and beardon of ingestication and certification features in the quality of data used is varied. The zone broandaries depicted have been features as accurately as possible at this scale.

7) DISCLAMER. The State of Cultifornia and the Department of Conservation make no representations or weatments regarding the accuracy of the data from which these maps were defined. Nother the State nor the Department shall be faithed under any ortunistances for any direct, indirect, expessial, incleadant or consequential damages with respect to any client by any user or any find party on account of or arising from the use of the map.

SCALE 1:24,000

SEISMIC HAZARD ZONES STATE OF CALIFORNIA

Delineated in compliance with Chapter 7.8, Division 2 of the California Public Resources Code (Seismic Hazards Mapping Act)

RICHMOND QUADRANGLE

OFFICIAL MAP

Released: February 14, 2003

MAP EXPLANATION

Zones of Required Investigation:

Areas where historical occurrence of liquefaction, or local geological, geochechnical and ground-water conditions indicate a potential for permanent ground displacements such that mitigation as defined in Public Resources Code Section 5953(s) would be required.

Areas where previous occurrence of landside movement, or local ropographic, geological, geotechnical and subsurface water condition indicate a potential for permanent ground displacements such that mingarion as defined in Public Resources Code Section 2003(q) would mingarion as defined in Public Resources Code Section 2003(q) would Earthquake-Induced Landslides

Seismic Hazard Zones identified on this map may include developed land where delineated hazards have already been mitigated to city or county standards. Check with your local buildinghaming department for information regarding the location of such mitigated areas. NOTE

DATA AND METHODOLOGY USED TO DEVELOP THIS MAP ARE PRESENTED IN THE FOLLOWING:

Seismic Hazard Zone Report of the Richmond 7.5-Minute Quadrangle, Alameda County California: California Geological Survey, Seismic Hazards Zone Report 070.

For additional information on seismic hazards in this map area, the rationale used for zoning, and additional references consulted, refer to CGS's World Wide Web site

www.conservation.ca.gov/cgs/

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KEY

FAULTS ARE COLOR CODED TO CORRESPOND WITH THEIR STRUCTURAL SUBZONE (SEE HFGFOTXT FOR DISCUSSION OF SUBZONES)

San Pablo subzone

Castro Valley subzone

San Leandro subzone

Fremont subzone

THE FOLLOWING FAULTS WITHIN THE HAYWARD FAULT ZONE ARE INDEPENDANT STRUCTURALLY FROM SUBZONES

Creeping strand of the Hayward fault (modified from Lienkaemper, 1992)

Chabot fault

FAULTS THAT MARK THE EASTERN BOUNDARY OF THE HAYWARD FAULT ZONE ARE NOT CONSIDERED PART OF THE ZONE

Eastern boundary faults

ALL FAULTS ARE SHOWN IN THE FOLLOWING MANNER

Fault, certain

Fault, approx. located

Fault, inferred

Fault, inferred

Fault, inferred

Fault, inferred, uncertain

Fault, concealed

Fault, concealed

Fault, concealed

Thrust or reverse fault, certain

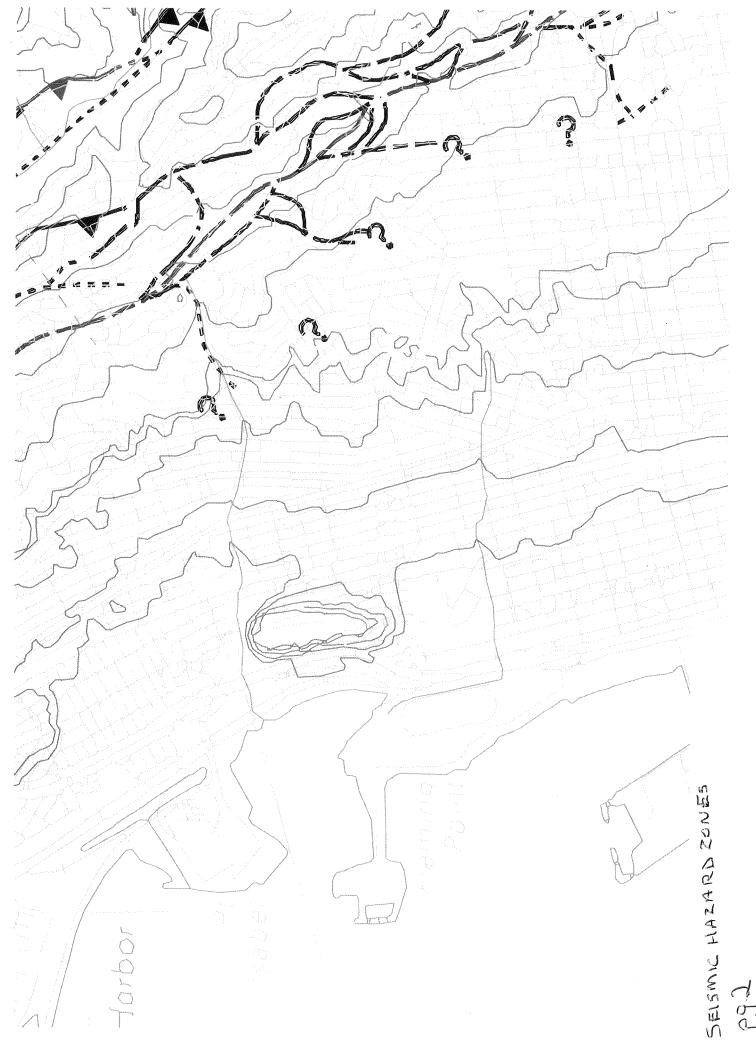
Thrust or reverse fault, approx. located

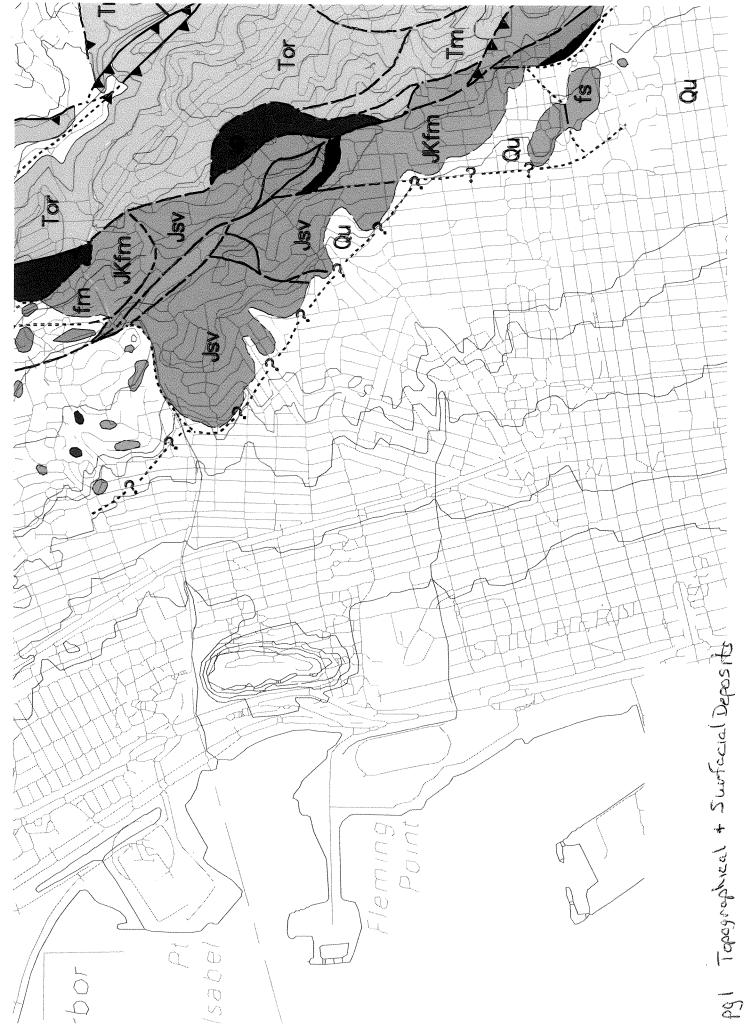
Thrust or reverse fault, inferred

Thrust or reverse fault, concealed

Attenuation fault, approx. located

SEISMIC HAZARD ZONES





Fault, concealed and uncertain Contact, approximately located Fault, approximately located sc - Silica carbonate rock JKf – Undivided Franciscan complex JKfn- Sandstone of Novato Quarry Thrust or reverse fault, approximately located Thrust or reverse fault, inferred Thrust or reverse fault, concealed Thrust or reverse fault fg - greenstone block fs - meta-graywacke JKfgm-Quartz diorite Franciscan Complex Contact, inferred Fault, uncertain sp - Serpentinite Fault, concealed fc - chert block Fault, inferred JKfm- Melange Contact Fault Tes - Unnamed mudstone (Eocene) Ksc - Shephard Canyon Formation JKkc- Knoxville conglomerate beds Kr - Redwood Creek Formation Tgs - Unnamed glauconite bearing mudstone (Oligocene(?) and Miocene) Unnamed sandstone (Oligocene(?) and Miocene) Undivided sandstone and siltstone Kjm - Joaquín Miller Formation Kev - Unnamed sandstone and shale of Castro Valley - Undivided conglomerate Jpb - Pillow basalt and basalt Tps - Unnamed siltstone and sandstone (Paleocene) JKkv- Knoxville volcanogenic conglomerate beds Tolman Formation, glauconitic sandstone member Tas - Unnamed glauconitic sandstone (Paleocene) Knc - Sandstone and shale of Niles Canyon area JKk - Knoxville Formation Jgb - Gabbro and diabase - Oakland Sandstone Tolman Formation, limestone member Kslt- Unnamed siltstone Kp - Pinehurst Shale Ksh - Undivided shale Great Valley Sequence Coast Range Ophiolite Jsv - Keratophyre Arc Volcanics Ku – Tgss-Ttls-Tts -Ко Кc - Undivided Quaternary deposits Pliocene and Pleistocene gravels - Unnamed volcanic rocks Tss - Unnamed sandstone and conglomerate Tsh - Unnamed early Miocene sandstone and shale Qoa - Older alluvial deposits Tccs- Claremont interbedded sandstone Tcc - Claremont chert and siliceous shale Tsk - Silver Creek gravels Qm - Manmade deposits - Sobrante Sandstone Orinda interbedded dacite Temblor Sandstone Tms - Moraga interflow sedimentary rocks Tbr - Briones Formation QTs - Undivided gravels - Oursan Sandstone Qls - Landslide deposits QTi - Irvington gravels QTI - Livermore gravels QTp - Packwood gravels - Neroly Sandstone Tor - Orinda Formation Tbp - Bald Peak basalt Tst - Siesta Formation - Moraga basalt Surficial Deposits - Tice Shale Tertiary strata Torv-۲ 'n Tm Ţ

937 T +SD